

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

**MOTION UNDER 28 U.S.C § 2255 To VACATE, SET ASIDE, OR CORRECT SENTENCE BY  
A PERSON IN FEDERAL CUSTODY**

This form is to be used if you, the petitioner, claim that your federal sentence itself is unlawful. If you believe you are being held in custody unlawfully on a federal criminal conviction, you should file a Petition under 28 U.S.C. § 2241 for Writ of Habeas Corpus by a Person in Federal Custody.

**Notice:**      *Any false statements of a material fact may serve as the basis for prosecution and conviction for perjury.*

**FILING INSTRUCTIONS**

1. Fill out the attached form, answering each item completely in the space provided.
2. Answers must be legibly handwritten or typewritten.
3. Additional pages are not permitted except with respect to the facts which you rely upon to support your grounds for relief.
4. No citation of authorities need be furnished.
5. If briefs or arguments are submitted, they must be:
  - a) On white 8 ½ by 11" paper, and
  - b) Securely attached to this form.
6. Filing fee:  
There is no filing fee for a Motion to Vacate, Correct, or Set Aside a Federal Sentence.
7. When the petition is fully completed, mail the original and three (3) copies to:

Office of the Clerk  
United States District Court  
231 W. Lafayette Boulevard, Fifth Floor  
Detroit, Michigan 48226

***Failure to comply with all of the instructions will result in unnecessary delays.***

**UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF MICHIGAN**

**MOTION UNDER 28 U.S.C §2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN**  
**FEDERAL CUSTODY**

<b>Name of Movant</b>	<b>Inmate Number:</b>	<b>Criminal Docket No.</b>
<b>Place of Confinement: (Name, Street or P.O. Box, City, State And Zip Code)</b>		
<div style="text-align: right; margin-right: 100px;"><b>Include Name upon which Convicted</b></div> <div style="display: flex; justify-content: space-between; align-items: center;"><div style="width: 45%; text-align: center;"><b>United States of America</b></div><div style="width: 10%; text-align: center;"><b>vs.</b></div><div style="width: 45%; text-align: center;"><b>(full name of Movant)</b></div></div>		

**MOTION**

1. Name and location of court which entered the judgment of conviction under attack:

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2. Date of judgment of conviction:

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3. Length of sentence:

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4. Nature of offense involved (include all counts):

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5. Was your plea (check one):

- a) Not Guilty ☐  
b) Guilty ☐  
c) Nolo contendere ☐

If you entered a guilty plea to one count or indictment and a not guilty plea to another count or indictment, give details:

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6. Kind of trial (check one):

- a) Jury ☐  
b) Judge only ☐

7. Did you testify at the trial?

Yes ☐ No ☐

8. Did you appeal from the judgment of conviction?

Yes ☐ No ☐

9. If you did appeal, answer the following:

(a) Name of court: \_\_\_\_\_

(b) Result: \_\_\_\_\_

(c) Date of Result: \_\_\_\_\_

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any federal court?

Yes ☐ No ☐

11. If your answer to 10 was “yes”, give the following information:

1. (1) Name of court: \_\_\_\_\_

(2) Nature of proceeding: \_\_\_\_\_

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(3) Grounds Raised: \_\_\_\_\_

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(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

(5) Result: \_\_\_\_\_

(6) Date of Result: \_\_\_\_\_

(b) As to any second petition, application or motion give the same information:

(1) Name of court: \_\_\_\_\_

(2) Nature of proceeding: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) Grounds Raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

(5) Result: \_\_\_\_\_

(6) Date of Result: \_\_\_\_\_

3. As to any third petition, application or motion give the same information:

(1) Name of court: \_\_\_\_\_

(2) Nature of proceeding: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) Grounds Raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

(5) Result: \_\_\_\_\_

(6) Date of Result: \_\_\_\_\_

12. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

**CAUTION:** If you fail to set forth all grounds in this motion, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in these proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you have other than those listed. However, you should raise in this motion all available grounds (relating to this conviction) on which you based your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The motion will be returned to you if you merely check (a) through (j) or any one of these grounds:

1. Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily or with understanding of the nature of the charge and the consequences of the plea.
2. Conviction obtained by the use of coerced confession.
3. Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
4. Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
5. Conviction obtained by a violation of the privilege against self-incrimination.
6. Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
7. Conviction obtained by a violation of the protection against double jeopardy.
8. Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
9. Denial of effective assistance of counsel.
10. Denial of right of appeal.

1. Ground one:

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Supporting FACTS (tell your story *briefly* without citing cases or law: \_\_\_\_\_)

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B. Ground two: \_\_\_\_\_

Supporting FACTS (tell your story *briefly* without citing cases or law: \_\_\_\_\_)

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C. Ground three: \_\_\_\_\_

Supporting FACTS (tell your story *briefly* without citing cases or law: \_\_\_\_\_

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D. Ground four: \_\_\_\_\_

Supporting FACTS (tell your story *briefly* without citing cases or law: \_\_\_\_\_

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- (13) If any of the grounds listed in 12 A, B, C, and D were not previously presented, state briefly what grounds were not so presented, and give your reasons for not presenting them: \_\_\_\_\_

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- (14) Do you have any petition or appeal now pending in any court as to the judgment under attack?

Yes ☐ No ☐

- (15) Give the name and address, if known, of each attorney who represented you in the following states of the judgment attacked herein:

(1) At preliminary hearing: \_\_\_\_\_

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(2) At arraignment and plea: \_\_\_\_\_

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(3) At trial: \_\_\_\_\_

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(4) At sentencing: \_\_\_\_\_

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(5) On appeal: \_\_\_\_\_

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(6) In any post-conviction proceeding: \_\_\_\_\_

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(7) On appeal from any adverse ruling in a post-conviction proceeding: \_\_\_\_\_

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- (16) Were you sentenced on more than one count of an indictment, or on more than one indictment, in the

same court and at approximately the same time?

Yes ☐ No ☐

(17) Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☐

(1) If yes, give name and location of court which imposed sentence to be served in the future:

\_\_\_\_\_  
\_\_\_\_\_

(2) Give date and length of the above sentence:

\_\_\_\_\_  
\_\_\_\_\_

(3) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☐

Wherefore, Movant prays that the Court grant him all relief to which he may be entitled in this proceeding.

\_\_\_\_\_  
Signature of Attorney (in any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Movant